

29 APR 2004 #8



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O Box 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

Morgan, Lewis & Bockius LLP
1111 Pennsylvania, N.W.
Washington, D.C. 20004

In re Application of : DECISION ON RENEWED
Long et al :
PCT No.: PCT/US99/15129 :
Application No: 10/018,551 : PETITION UNDER
Int. Filing Date: 02 July 1999 :
Priority Date: 02 July 1998 :
Attorney's Docket No.: 047714-5001-US : 37 CFR 1.47(a) &
For: IN VIVO ADDITION OF TELOMERIC ... :
IN THE FUNGUS PESTALOTIOPSIS : 37 CFR 1.137(b)

This is in response to the "RENEWED PETITION FOR FILING AN APPLICATION UNDER 37 CFR .147(a) and 37 CFR 1.137(b) with accompanying STATEMENT OF FACTS IN SUPPORT THEREOF" filed on 13 January 2004.

BACKGROUND

In a decision from this on 29 July 2003 the petition filed on 18 April 2003 was dismissed. The decision indicated that petitioner had not satisfied requirement (4) of 1.47(a) and requirement (1) under 37 CFR 1.137(b) because a properly executed declaration had not been submitted.

On 13 January 2004, petitioner submitted a renewed petition accompanied, *inter alia*, with a properly executed declaration.

Since the decision of 29 July 2003 was mailed to the incorrect address. The time period for response was restarted at January 6, 2004 when petitioner received the Decision. Accordingly, the renewed petition is timely.

DISCUSSION

PETITION UNDER 37 CFR 1.47(a):

Petitioner has submitted a proper executed declaration signed by Mr. Smidansky and Mr. Strobel on their behalf and on the behalf of the nonsigning joint inventor David M. Long.

Petitioner has now satisfied items (1), (2), (3), and (4) under 37 CFR 1.47(a), thus completing the requirements under 37 CFR 1.47(a).

The petition under 37 CFR 1.47(a) is **GRANTED**.

PETITION UNDER 37 CFR 1.137(b):

Petitioner has provided: (1) the proper reply by submitting a proper executed declaration

Accordingly, the petition is deemed to satisfy requirements (1), (2), (3), and (4) under 37 CFR 1.137(b).

DECISION

The petition under 37 CFR 1.137(b) is **GRANTED**.

The petition under 37 CFR 1.47(a) is **GRANTED**.

As provided in 37 CFR 1.47(a), a notice of the filing of this application will be forwarded to the non-signing inventor at his last known address of record.

A notice of the filing of the application under 37 CFR 1.47(a) will be published in the Official Gazette.

This application is being returned to the United States Designated/Elected Office (DO/EO/US) for continued processing to accept the application as a 37 CFR 1.47(a) application and to mail a filing receipt. The 35 USC 371(c)(1),(c)(2) and (c)(4) date of this application is 13 January 2004.



Rafael Bacares
PCT Legal Examiner
PCT Legal Office

Telephone: (703) 308-6312
Facsimile: (703) 308-6459



Leonard Smith
PCT Legal Examiner
PCT Legal Office

29 APR 2004



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

David M. Long
414 S. 8th street
Livingston, MT 59047

In re Application of
David Long et al
Application No.: 10/018,551
PCT No.: PCT/US99/15129
Int. Filing Date: 02 July 1999
Priority Date: 02 July 1998
Attorney's Docket No.: 047714-5001-US
For: IN VIVO ADDITION OF TELOMERIC ...
IN THE FUNGUS PESTALOTIOPSIS

Dear Mr. Long:

You are named as an inventor in the above identified United States patent application, filed under the provisions of 37 CFR 1.47(a) and 35 U.S.C. 116. Should a patent be granted, you will be designated as an inventor.

As a named inventor, you are entitled to inspect any paper in the file wrapper of the application, order copies of all or any part thereof (at a prepaid cost per 37 CFR 1.19) or to make your position of record in the application. Alternatively, you may arrange to do any of the preceding through a registered patent agent or attorney presenting written authorization from you. If you care to join in the application, counsel of record (see below) would presumably assist you. Joining in the application would entail the filing of an appropriate oath or declaration by you pursuant to 37 CFR 1.63.


Rafael Bacares
PCT Legal Examiner
PCT Legal Office
Telephone: (703) 308-6312
Facsimile: (703) 308-6459

Morgan, Lewis & Bockius LLP
1111 Pennsylvania, N.W.
Washington, D.C. 20004



UNITED STATES PATENT and TRADEMARK OFFICE

COMMISSIONER FOR PATENTS
UNITED STATES PATENT AND TRADEMARK OFFICE
P.O BOX 1450
ALEXANDRIA, VA 22313-1450
www.uspto.gov

OFFICIAL GAZETTE NOTICE

37 CFR 1.47 Notice by Publication

Notice is hereby given of the filing of an application with a petition under 37 CFR 1.47 requesting acceptance of the application without the signature of all inventors. The petition has been granted. A notice has been sent to the last known address of the non-signing inventor. The inventor whose signature is missing (David M. Long) may join in the application by promptly filing an appropriate oath or declaration complying with 37 CFR 1.63. The international application number is PCT/US99/15129 and was filed on 02 July 1999 in the name of David M. Long, Eric D Smidansky, and Gary A. Strobel for the invention entitled IN VIVO ADDITION OF TELOMERIC REPEATS TO EXOGENOUS DNA GENERATES EXTRACHROMOSOMAL DNAs IN THE FUNGUS PESTALOTIOPSIS. The national stage application number is 10/018,551 and has a 35 U.S.C. 371(c)(1), (c)(2), and (c)(4) date of 13 January 2004.